

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 09-CR-196

DERRICK AVERY AND
SHAMIKA EVANS
Defendants.

SCHEDULING ORDER II

On November 18, 2009, the court conducted a status/scheduling conference in the above-entitled action. Appearing on behalf of the government was Assistant United States Attorney Joseph Wall. Appearing on behalf of defendant Derrick Avery was Attorney Nichay Sanan, and Attorney Susan Karaskiewicz appeared on behalf of defendant Shamika Evans.

The government informed the court that, due to technical and logistical problems with regard to putting discovery into an electronic format, no additional discovery has been provided to defense counsel, as required by the Scheduling Order dated October 15, 2009. The government also advised the court that the investigation into this matter continues and a superseding indictment is now anticipated by December 8, 2009. Counsel for both defendants indicated that both they and their clients wish to start reviewing all discovery as soon as possible.

Based on the information provided and discussion with respective counsel, **IT IS ORDERED:**

1. All “human trafficking” discovery will be scanned and available for counsel by **December 9, 2009**. A redacted copy of this discovery shall be placed at the institutions in which the defendants reside by **December 16, 2009**. The balance of discovery, both redacted and unredacted, shall be available to counsel and defendants by **December 31, 2009**.

2. The discovery (two discs), which has been provided to counsel, must be promptly placed, in redacted format, at the proper institutions for the defendants' review.

3. An in-court conference, for counsel only, will be held on **January 5, 2010 at 10:00 a.m.** to discuss further scheduling. Counsel should be prepared to indicate to the court the nature of motions they intend to file and a proposed schedule for filing of those motions.

IT IS FURTHER ORDERED: pursuant to 18 U.S.C. § 3161 (h)(8)(B)(i)(iv), the period of time until January 5, 2010 shall be excluded under the Speedy Trial Act.

The court also addressed several motions filed pro se by defendant Avery prior to his being appointed counsel. Based on this discussion, and for reasons more fully stated on the record, **IT IS FURTHER ORDERED:**

1. Defendant Avery's Motion in Opposition to Sealing [32], Motion to Proceed Pro Se at Conferences [34], Motion for a Bill of Particulars [35] and Motion to Dismiss Criminal Complaint [36] are **DENIED without prejudice**.

2. Pursuant to the request of Attorney Sanan, the defendant's Motion for Bail Review [33] and Amended Motion for Bail Review [38] are hereby **WITHDRAWN**.

Dated at Milwaukee, Wisconsin, this 18th day of November, 2009.

s/AARON E. GOODSTEIN
UNITED STATES MAGISTRATE JUDGE